

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
Transcriber's Office
FLOOR DEBATE

June 2, 2005

LR 98

our state constitution. And it's right on point. It's only one sentence. I'll read it: All civil officers of this state shall be liable to impeachment for any misdemeanor in office. Underscore "in office." Whatever Mr. Hergert did, he didn't do it while in office. I think we can all agree to that. He didn't do it while in office. Whatever he did, he did it as part of his campaign to win an office. There's been litigation on that very question. Our state Supreme Court has addressed that very question. I know it's a long time ago. But that case was never overturned. It still stands. I didn't have the pleasure of going to law school, but I think I know what that case meant. The case meant, you can't impeach somebody for what they did when they weren't in office. And you can't impeach them for what they...you can't impeach them after they leave office. I think we ought to take the impeachment dimension of this resolution off the table. And that's what this amendment is all about. I don't think we have any business talking about impeachment in this particular case. Because in this particular case, the offenses occurred prior to the assumption of the office. It's a very simple amendment. I hope you'll give it your fair consideration and adopt it. Thank you, Mr. President.

SENATOR CUDABACK: Thank you, Senator Foley. You've heard the opening by Senator Foley on AM1714 to LR 98. Open for discussion. There are a number of lights on. If you wish to discuss that, you don't...you may pass over. Senator Schrock, followed by Senators Johnson, Dwite Pedersen, Stuhr, McDonald, Beutler, Preister, Thompson, Brashear, Loudon, and eight others. Senator Schrock.

SENATOR SCHROCK: Thank you, Mr. President. Senator Friend and "Senator Foe," I thank you for the discussion this afternoon. I'm sorry. Senator Foley, not "Senator Foe." Senator Foley, I oppose your amendment. I do not know whether we have the power to impeach or not. And that's not what the resolution is about. It's about discovering our options. Senator Friend, if someone would have brought around a resolution four years ago, asking me to sign, to ask Mr. Miller to resign from the regents, I may have signed it. I do not know. But I can tell you that in the information we have--and I did have it here--in his settlement with Accountability and Disclosure, the part about intentionally